IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.81/2003

Chhitar S/o Shri Kalyan
...defendant-appellant
Versus
Rameshwar Lal S/o Shri Mangi Lal Rathi
...plaintiff-respondent

Date of Order ::: 29.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Deepak Goyal, Counsel for defendant-appellant
Shri M.M. Ranjan, Counsel for plaintiff-respondent
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By the Court:-

Heard learned counsel for the parties.

The plaintiff-respondent filed a suit for permanent injunction based on easementary right, which was decreed by the lower court. The judgment and decree passed by the lower court, has been affirmed by the first appellate court also.

I have heard the learned counsel for the parties and after considering their submissions in the light of the findings of both the courts below, I find that the controversial issues involved in the present case relate to the questions of fact and there is concurrent finding of facts by both the courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

//Jaiman//